



**Sent to**

Romanian Football Federation  
House of Football  
022186 BUCHAREST  
Romania

**Decision**  
of the  
**Control, Ethics and Disciplinary Body**  
on  
**19 September 2019**

Chairman: Partl Thomas (AUT)  
Vice-Chairmen: Hansen Jim Stjerne (DEN)  
Members: Antenen Jacques (SUI)  
Leal João (POR)  
Lorenz Hans (GER)  
Řepka Rudolf (CZE)

**Disciplinary Cases:** 32977 & 32992 - EURO - 2019/20

**Incidents:** Field invasions by supporters – Art. 16 (2) (a) DR  
Setting off fireworks – Art. 16 (2) (c) DR  
Throwing of objects – Art. 16 (2) (b) DR  
Racist behaviour – Art. 14 DR  
Combination of cases – Art. 41 (6) DR

**Competition:** European Championship 2020

**Matches:** Romania vs. Spain, 05.09.2019  
Romania vs. Malta, 08.09.2019

## I. Facts of the case

1. The elements set out below are a summary of the main relevant facts, as established by the Control, Ethics and Disciplinary Body ("CEDB") on the basis of the official reports, the written submissions, the exhibits filed and the statements produced by Romanian Football Federation ("the association") in the course of the CEDB proceedings. While the CEDB has considered all the facts, allegations and legal arguments in these proceedings, it refers in the present decision only to the submissions it considers necessary to explain its reasoning.
2. The incidents stated in the official report provided by the referee, the UEFA match delegate and in the further report provided by the FARE observer present at the UEFA European Championship 2020 Qualifying Round match between the national teams of the association and Spain played on 5 September 2019 ("match 1"), are as follows:

### Referee:

*"Before the start of the game, several blinkers and several red torches were lit in the Romanian fan block. Partially they were on the field. A stadium announcement was made and therefore the game started two minutes later. In addition, three set off a firecracker.*

*In the 61st minute two spectators ran on the playing field. Therefore, the game had to be interrupted until the spectators were taken away. The process took about a minute."*

### UEFA match delegate:

*"Disturbing the minute of silence, by whistling and chanting from the sectors 104 up to 108 and 309/311/313/315 and 317, in such a way that the referee decided close the silence period after approximately 30 seconds. It has to be said that there was a slightly conclusive response from the rest of the public.*

*60th minute two Romanian supporters came on the pitch unauthorized. It is not clear from which sectors they came but being aware of 'just past' the players tunnel, just between the players benches they were knocked out by stewards and removed from the pitch.*

*Just before starting the match two firecrackers from Romanian sectors behind the goal of the south stand. First minute three firecrackers from Romanian sectors behind the goal of the south stand. 50th minute firecracker from Romanian sector 104 behind the goal south stand. 60th minute from the Romanian sectors 110/109/105 and 106 behind the goal south stand 2 firecrackers.*

*Approximately 15 minutes before the match I heard coming from the Romanian sectors behind the goal south stand, sectors 107/106/105/104 and more sectors around sectors where the hardcore Romanians were located several hundred were*

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chanting 'Afară afară, cu ungurii din țară' ('out with the Hungarians from our country') and 'Ungaria ne suge pula' ('Hungary sucks our dick'). I have been informed through the FARE observer that in this period the music inside the stadium was turned up in order to cover the chants.

Furthermore, the FARE observer informed that he observed, and sometimes recorded by him, 5 other racism chanting incidents happened in the whole Romanian hardcore area behind the goal of the south stand. Because of the fact it was very restless where my place was situated, I can't confirm it. At the same time my liaison's support with translation of chanting was not ideal because of the fact he did this for the first time. I noticed that he was nervous clicking about his own country.

*FARE observations:*

- 3rd minute a small group of 12 Romanian ultras situated in the north stand upper tier: 'afară, afară cu ungurii din țară (no video) ('out with the Hungarians from our country').
- 11th minute from the south and the north stands for a few seconds heard 'Hungaria ne pusan pe ea' ('Hungaria we piss on it').
- 40th minute small group Romanians on the north stand shouted: 'afară, afară, cu ungurii din țară' ('out with the Hungarians from our country').
- A few hundred Romanian ultras south stand in the lower tier behind the goal sang for almost three minutes: 'suntem romani si ne vom apăra pamantul tare si istoria ale ale sa-ti dam la muis bongore' ('we are Romanians and we shall defend our land, our country and our history fuck you bozgore') – bozgore is a pejorative term for Hungarian ethnics.
- Around 78th minute the south stand sectors started again chanting 'pissing on Hungaria' but they were interrupted by a Spanish counterattack with ended with sending of Spanish player."

FARE observer:

"The most active Romania home supporters were concentrated in the South Stand, lower tier, approximately the first 12-15 rows in sectors 103-108 and approximately 100 more in the North stand, upper tier, sector 346, and 347. The most active Spain away supporters were concentrated in Section 126.

The Fare observer arrived at the stadium at 18:45 and had a good observation and hearing position inside the stadium. The following developments were reported. The following developments were reported.

- 20:30 Approximately 15 minutes before the kick-off, several hundred Romania home supporters in sections 103-108 started chanting 'Afară, afară, cu ungurii din țară' (ENG: 'Out with the Hungarians from the country') and 'Ungaria, ne suge pula' (ENG: 'Hungary sucks our dick'). The music inside the stadium was turned up possibly to silence the chants.

- *Romania has a significant Hungarian ethnic minority living in Transylvania, which was, for a long time, part of Hungary. These chants are xenophobic and discriminatory, specifically calling for the removal of the Hungarian ethnic minorities from Romania and inciting violence against them. The chanting has been persistent by sections of Romania national team supporters in the past matches regardless of the opponent.*
- *20:45 Kick-off.*
- *20:48 Approximately in the 3rd minute into the game, a small group of approximately dozen Romania supporters situated in the north stand, upper tier, shouted briefly 'Afară, afară, cu ungurii din țară'. (ENG: 'Out with the Hungarians from the country'). No video evidence was recorded due to the short duration of the chanting.*
- *20:56 Approximately in the 11th minute into the game, Romania national team supporters in both south and north stands shouted 'Ungaria, ne pișăm pe ea' (ENG: 'Hungary, we piss on it').*
- *21:25 Approximately in the 40th minute into the game, a small group of approximately dozen Romania supporters situated in the north stand, upper tier, shouted briefly 'Afară, afară, cu ungurii din țară'. (ENG: 'Out with the Hungarians from the country'). No video evidence was recorded due to the short duration of the chanting.*
- *21:50 Approximately in the 50th minute into the game, several hundred Romania home supporters in sections 103-108 started chanting 'Suntem români și ne vom apăra, pământul, țara și istoria, ale ale, ale ale, să-ți dăm la muie bozgore!' (ENG: 'We are Romanians and we shall defend our land, our country and our history, ale ale, ale ale, ale ale, fuck you bozgore'.) 'Bozgor' is an ethnic slur for Hungarians. The chanting lasted without interruption for approximately 3 minutes, ending with 'Ungaria, ne pișăm pe ea' (ENG: Hungary, we piss on it').*

*Within the Arena Nationala stadium, Fare observer witnessed xenophobic chanting discriminatory towards Hungarian ethnic minority in Romania and calling for ethnic violence on multiple occasions during the match.*

3. The incidents stated in the official report provided by the UEFA match delegate and in the further report provided by the FARE observer present at the UEFA European Championship 2020 Qualifying Round match between the association and Malta played on 8 September 2019 ("match 2"), are as follows:

UEFA match delegate:

*"7th minute: from home supporters, sector 101 banners thrown on the pitch next to the goalkeeper of Malta.*

*We noticed a few discriminatory chants during the game, from the around 400-500 Romanian ultras in sectors 300-304, as well as those less than 100 fans in*

sector 101. The chants were brief and on one occasion the stadium announcer asked them to stop and warned that the national team would be penalised and have to play the next game if they continue with xenophobic chants. The group of ultras continued, but the rest of the rest of the fans booed them. The incidents happened around the 17th, 19th, 47th, the 75<sup>th</sup> and after the final whistle. The times are approximate, we will need to check the video recordings we made for the exact times.

FARE observer:

*"The most active Romania home supporters were concentrated in Sectors 301-306 and 104. No particularly active groups of Malta away supporters were visible. The FARE Observers arrived at the stadium at 17:15 and had a good observation and hearing position inside the stadium.*

*The following developments were reported.*

- *Before the kick-off, Fare observers noticed multiple graffiti featuring far-right symbols such as a Celtic cross in the immediate vicinity of the stadium, on the stadium ticket booths and on the seats inside the stadium.*
  - *19:00 Kick-off.*
  - *19:18 Approximately in the 18th minute into the game, several hundred Romania home supporters in sectors 302-304 and sector 104) started chanting discriminatory anti-Hungarian chants:*
    - 1) *'Ungaria, ne pişăm pe ea' (ENG: 'Hungary, we piss on it');*
    - 2) *'Ungaria, ne suge pula' (ENG: 'Hungary sucks our dick');*
    - 3) *'Suntem români și ne vom apăra, pământul, țara și istoria, ale ale, ale ale, să-ți dăm la muie bozgore' (ENG: 'We are Romanians and we shall defend our land, our country and our history, ale ale, ale ale, fuck you bozgore'). Bozgor' is an ethnic slur for Hungarians. The chanting lasted for approximately one minute.*
  - *A stadium announcement was made immediately after the first chant. The officials asked the fans to support the national team and not shout discriminatory/xenophobic chants, as this will get the national team penalized and risk having to play future games behind closed doors. The offenders reacted by chanting the third chant for one minute. Some of the fans in the other sectors started booing the chants to silence them.*
  - *The first and second chants reoccurred, on three other occasions: right after Romania's goal in the 47th minute, around the 75th minute as well as right after the final whistle. Unfortunately, due to the short duration of the chants in these minutes, no video recording is available.*
  - *Romania has a significant Hungarian ethnic minority living in Transylvania, which was, for a long time, part of Hungary. These*
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*chants are xenophobic and discriminatory, specifically calling for the removal of the Hungarian ethnic minorities from Romania and inciting violence against them. The chanting has been persistent by sections of Romania national team supporters in the past matches regardless of the opponent.*

*Within the Ilie Oană Stadium, Fare observers witnessed xenophobic chanting discriminatory towards Hungarian ethnic minority in Romania on several occasions during the match.*

## **II. The association's position**

4. The association in its statement dated 12 September 2019 regarding the incidents that occurred during match 1 essentially stated the following:

- In accordance with the provision of Romanian national legislation, the game was determined by the regional Gendarmerie to be one of high risk. Taking this risk factor into consideration, the association used the know-how it has acquired from organising numerous international games in ensuring all necessary safety and security measures in preparing this match.
  - In an effort to ensure no incidents would take place during the game against Spain that would disrupt it, the association, in a strong collaboration with public authorities in Bucharest, has fully considered and covered all organisational aspects related to the game. In preparation for this match, we established the organisation chart, strong cooperation with other institutions such as security company and local police and gendarmerie forces, activities plan, determined the action plan of the security company, procedures for access of viewers, establishing the location of spectators in the stadium, credentials, stadium operations, receptions, TV and media, transport.
  - The association, in accordance with national legislation, in collaboration with the security company put together the "*Action Plan to ensure measures of order, guard and security of the participants, on the occasion of the football game between Romania and Spain*". This plan included in detail all security measures to be taken at the game and was approved by the competent Directorate of Gendarmerie in Bucharest. The association takes its obligations very seriously to ensure that no events disrupt the official games it organises. More so, the association works hard in improving every sporting event.
  - Regarding the violations of the DR, the association submits that the incidents concerning the Romanian supporters had no influence over the sporting results of the game.
  - The association recalls that it took all preventative measures to limit, as much as possible, any potential incident caused by spectators attending that would affect the normal course of the match. This included implementing an online ticketing system that allowed supporters to buy a maximum of four personalised tickets per person,
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the presence of 1,000 stewards to undertake thorough body searches, the strong presence of gendarmes, police officers and special forces operatives to check the premises before the match and the implementation of two check-points to check for pyrotechnics, objects, banners and flags, some of which were confiscated.

- Regarding the field invasion, which is undisputed by the association, no material damage, harm or human injury was caused. Each field invader was fined 1,000 lei and received a one-year stadium ban.
  - Regarding setting off fireworks, no material damage, harm or human injury was caused, and these incidents had a low intensity. Romanian national legislation only allows for a brief bag and body check, making it impossible for stewards to find pyrotechnic devices given their small size and the fact that they can be hidden in inaccessible places.
  - Regarding the chants, the association submits that it has been working hard over the years to alter the composition of its supporter base in an attempt to bring families, parents and children back to the stadium with considerable success. However, there are still several ultras supporters that also attend national team games. In the present case, the chants were isolated only in sectors where ultras fans were located, and the rest of the stadium did not participate. These comments were limited and did not intervene in any way with the match.
  - The association notes that the UEFA delegate's report at page 6 reads, the teams and officials tried very hard to provoke the incidents (sic), and we strongly believe that the delegate by mistake noted "provoke" instead of "prevent".
  - The association does not condone in any way the type of xenophobe chants used by the ultras gangs present at the game. The association is consistently and actively trying to combat these types of behaviours. However, the CEDB is requested to take into consideration that the Romanian legislation does not allow the evacuation of supporters simply on the basis of such illicit chants. However, as mentioned also in the delegate's report, announcements were made in order for the supporters to stop chanting and also the music was turned up in order to cover the chants.
  - In order to make aware once again the fans that such behaviour is not allowed, the association displayed a message on the stadium scoreboard (the big cube in the center of the stadium) stating that racist, xenophobic or discriminatory chants are prohibited. The association acknowledges and undertakes the rule according to which the national association has a liability for the behaviour of its supporters – a rule according to which, in line with older legislation, the persons who were not part of the disciplinary offence are still liable. The association also fully accepts the supremacy of this rule in relation with the principle of disciplinary liability.
  - A sanction must also comply with the principle of proportionality, in the sense that there must be a reasonable balance between the kind of misconduct and the sanction. In the event the CEDB deems to sanction the association, the CEDB is
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requested to act accordingly taking into account the general minimum foreseen by the DR. This principle provides that the severity of a sanction must be proportionate to the offense committed. In order to be proportionate, the sanction must not exceed what is reasonably required in the search of the justifiable aim. In addition, the Court of Arbitration for Sport has recognised as a mitigating circumstance in disciplinary cases the efforts to ensure all preventive security measures are taken.

- By lodging this statement, the association has no intent to waive its responsibility. However, we appreciate that, in our capacity of national member association, we undertook all actions and took all possible measures to prevent and fight any forbidden behaviours with the occasion of a football match. Despite all diligence and efforts made by the association for match 1, a few supporters had a behaviour that was beyond the rules designed for this type of sport event. The association does not accept this behaviour and will take all the appropriate measures in order to avoid in the future such incidents to take place in a stadium and duly sanction the people responsible for this behaviour.
  - As a last but essential mitigating factor, the association urges the CEDB to take into account the fact that the association hosts part of the UEFA European Championship 2020 matches and it is imperative for all the authorities involved to work as much as possible to organising games of high importance and with a lot of fans in the stadium in order to be prepared for the very important games during EURO 2020. Due to this fact, it is crucial that the supporters be able to attend the following (and last) two qualifying home matches, against Norway and Sweden, and all the authorities to improve their actions in order to be sure that the EURO 2020 games played in Bucharest be organised in perfect conditions. Moreover, the preparations for EURO 2020 can be obviously improved and security measures tightened in view of the upcoming matches with supporters.
  - Therefore, in the very likely event the association shall be sanctioned in this procedure, we kindly ask your offices to inflict sanctions less serious than match without spectators, i.e. warning, fine, partial closing of stadium on certain sectors etc.
5. The more detailed arguments made by the association in support of its written submissions regarding match 1 are set out below in as far as they are relevant.
6. Regarding the incidents that occurred during match 2, the association in its statement dated 16 September 2019 reiterated its submissions and arguments from its statement in match 1, and submitted the following additional comments regarding the specific incidents that occurred during match 2:
- The association reiterated that it does not condone in any way the type of xenophobic chants used by the ultras supporters present at the game. The association is consistently and actively trying to combat these types of behaviours. However, Romanian legislation does not allow the evacuation of supporters simply on the basis of such illicit chants. However, as also mentioned in the UEFA match delegate's
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report, stadium announcements were made in order for the supporters to stop chanting and also most of the supporters "booed" the ultras supporters.

- The report of the FARE observer mentions the fact that announcements were made immediately after the first chant in order for the ultras groups to stop using racist chants. In order to make aware once again the fans that such behaviour is not allowed, the association displayed a message on the stadium scoreboard and public announcements were made. The message was the same with the one posted on the scoreboard of National Arena a few days before at the game against Spain in match 1, stating that racist, xenophobic or discriminatory chants are prohibited.
  - With regard to the pictures presented by the FARE observer from outside the stadium (in the immediate vicinity of the stadium – on a wall of a house and on the ticket booth walls), the association has no possibilities to remove the mentioned symbols due to the fact that all of these are not part of the stadium and the association is only a tenant of the stadium and nothing more. In our opinion, the association has no legal possibilities to modify (even if this means to clean the walls) the buildings that are not the property of the association. It is obvious that the FARE observer wanted to do a detailed job, but he/she had to take into account that the association has legal limitations in order to intervene outside the stadium.
  - Another argument in this respect is the fact that because between match 1 against Spain, played in Bucharest, and match 2 against Malta, played in Ploiesti, was only two days, there was not enough time for the association's officials to impose to the owner of the stadium to deliver the Stadium Ilie Oana with all the seats cleaned of any word/symbols etc. and they were forced to receive the stadium in that condition in order for the game to be played as established by UEFA.
  - Finally, the incidents mentioned by the UEFA match delegate was a solitary occurrence, with no impact on the outcome of the game, no damages and of low intensity. The avoidance of other major incidents was only due to solid and professional measures adopted by the association.
7. The more detailed arguments made by the association in support of its written submissions regarding match 2 are set out below in as far as they are relevant.

### **III. Merits of the case**

#### **A. UEFA's competence and relevant provisions applicable to the case**

8. Pursuant to Articles 33(3), 52 and 57 of the UEFA Statutes, as well as Article 29(3) of the UEFA Disciplinary Regulations (DR), the CEDB is competent to deal with this case.
  9. Pursuant to Article 5(a) DR, the UEFA Statutes, rules and regulations, in particular the DR, are applicable to these proceedings.
  10. The following relevant provisions apply to the case at hand.
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11. According to Article 8 DR, “[a] member association [...] that is bound by a rule of conduct laid down in UEFA’s statutes or regulations may be subject to disciplinary measures and directives if such a rule is violated as a result of the conduct of one of its members, players, officials or supporters and any other person exercising a function on behalf of the member association [...] concerned, even if the member association [...] concerned can prove the absence of any fault or negligence.”
  12. According to Article 14 DR, “<sup>1</sup> [a]ny person under the scope of Article 3 DR who insults the human dignity of a person or group of persons on whatever grounds, including skin colour, race, religion or ethnic origin, incurs a suspension lasting at least ten matches or a specified period of time, or any other appropriate sanction. <sup>2</sup> If one or more of a member association’s [...] supporters engage in the behaviour described in paragraph 1, the member association [...] responsible is punished with a minimum of a partial stadium closure. <sup>3</sup> The following disciplinary measures apply in the event of recidivism: (a) a second offence is punished with one match played behind closed doors and a fine of €50,000 [...]. <sup>6</sup> The above disciplinary measures may be combined with specific directives aimed at tackling such conduct.”
  13. According to Article 16(2) DR, “[...] [a]ll associations [...] are liable for the following inappropriate behaviour on the part of their supporters and may be subject to disciplinary measures and directives even if they can prove the absence of any negligence in relation to the organisation of the match: (a) the invasion of the field of play (b) the throwing of objects potentially endangering the physical integrity of others present at the match or impacting the orderly running of the match; (c) the lighting of fireworks or any other objects [...].”
  14. Pursuant to Article 23 DR, “<sup>1</sup> [t]he competent disciplinary body determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both any aggravating and mitigating circumstances. [...] <sup>3</sup> Disciplinary measures can be reduced or increased by the competent disciplinary body on the basis of the circumstances of the specific case [...]”.
  15. Pursuant to Article 24 DR, “<sup>1</sup> [t]he competent disciplinary body has absolute discretion regarding the evaluation of evidence. <sup>2</sup> The standard of proof to be applied in UEFA disciplinary proceedings is the comfortable satisfaction of the competent disciplinary body.”
  16. Article 25 DR stipulates as follows: “<sup>1</sup> Recidivism occurs if another offence of a similar nature is committed within: a. one year of the previous offence if that offence was punished with a suspension of up to two matches imposed on an individual; b. ten years of the previous offence if that offence was related to match-fixing, fraud, bribery or corruption; c. two years of the previous offence if that offence was related to order and security at UEFA competition matches; d. three years of the previous offence in all other cases. <sup>2</sup> Recidivism counts as an aggravating circumstance”.
  17. According to Article 26 DR, “<sup>1</sup> [a]ll disciplinary measures may be suspended, with the exception of: a. warnings; b. reprimands; c. bans on all football-related activities; d.
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*disciplinary measures related to match-fixing, bribery and corruption.<sup>2</sup> The probationary period must be a minimum of one year and a maximum of five. This period may be extended in exceptional circumstances.<sup>3</sup> If a further offence of a similar nature is committed during the probationary period, the competent disciplinary body, as a rule, orders that the original disciplinary measure be enforced. This may be added to the disciplinary measure imposed for the new offence."*

18. According to Article 41(6) DR, "*[i]f different proceedings are opened against the same member association [...], the competent disciplinary body may combine the cases and issue one comprehensive decision."*

B. The combination of cases

19. The CEDB notes that two separate disciplinary proceedings have been opened against the association for the racist conduct of its supporters, setting off fireworks and the throwing of objects which occurred on the occasion of two separate matches in the UEFA European Championship 2020 Qualifying Round.
20. For reasons of procedural efficiency, recalling that both cases are related to violations of Articles 14(1) and 16(2) DR, the CEDB decides to combine the cases related to match 1 and match 2 and issue one comprehensive decision herein.

C. The responsibility of the association for the racist behaviour of its supporters

21. According to Article 14(2) DR in connection with Article 8 DR, member associations are responsible for the racist conduct of their supporters. This responsibility applies to offences committed by any person supporting the team before, during or after the match, irrespective of the fault of the member association in question, by applying the principle of strict liability, as has been regularly confirmed by the established jurisprudence of the UEFA disciplinary bodies (as published on the UEFA website) and the CAS (cf. CAS 2002/A/423 PSV Eindhoven v. UEFA).
22. The fight against racism is a high priority for UEFA. UEFA has a strict approach towards racism and discrimination on the pitch and in the stands. Any racist or discriminatory behaviour is considered a serious offence under the DR and shall be punished with regard to the circumstances and the relevant association's previous record with severe sanctions.
23. With regards to match 1, the CEDB notes that approximately 15 minutes before the match, the official report of the UEFA match delegate highlights that he and the FARE observer present at match 1 observed several hundred of the association's supporters in Sectors 107/106/105/104 chanting "[a]fara afar, a cu ungurii din tara" and "[u]ngaria ne suge pula", which translates to "[o]ut with the Hungarians from our country" and "Hungary sucks our dick" respectively. Additionally, the FARE observer present at match 1 also reported that approximately 15 minutes before kick-off at 20:30, several hundred of the association's supporters in Sectors 103-108 started making the abovementioned chants.
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24. The CEDB recalls that the FARE observer present at match 1 presented video and audio evidence of the incident, in which the chants were clearly audible. The CEDB also notes that the UEFA match delegate was informed by the FARE observer also present at match 1 that the music was turned up in the stadium in order to cover up the chants.
25. Furthermore, the CEDB notes that according to the official report of the UEFA match delegate, the FARE observer present at match 1 notified him of five racist incidents that occurred in the Romanian ultras sectors behind the goal in the South Stand, despite not having witnessed these incidents himself. In this regard, the CEDB notes that the FARE observer reported the following additional incidents during match 1:
- 20:48: in approximately the 3<sup>rd</sup> minute of the match, a small group of approximately one-dozen of the association's supporters situated in the upper tier of the North Stand briefly shouted "[a]fară, afară, cu ungerii din țară", which translates to "[o]ut with the Hungarians from the country". The CEDB notes that no video evidence was recorded due to the short duration of the chanting.
  - 20:56: in approximately the 11<sup>th</sup> minute of the match, the association's supporters situated in both the South and North Stands shouted "[u]ngaria, ne pișăm pe ea", which translates to "Hungary, we piss on it".
  - 21:25: in approximately the 40<sup>th</sup> minute of the match, a small group of approximately one-dozen of the association's supporters situated in the upper tier of the North Stand briefly shouted "[a]fară, afară, cu ungerii din țară", which translates to "[o]ut with the Hungarians from the country". The CEDB notes that no video evidence was recorded due to the short duration of the chanting.
  - 21:50 in approximately the 50<sup>th</sup> minute of the match, several hundred of the association's supporters in Sectors 103-108 started chanting "[s]untem români și ne vom apăra, pământul, țara și istoria, ale ale, ale ale, să-ți dăm la muie bozgore!", which translates to "[w]e are Romanians and we shall defend our land, our country and our history, ale ale, ale ale, fuck you bozgore". The CEDD notes that the chanting lasted without interruption for approximately three minutes, ending with "[u]ngaria, ne pișăm pe ea", which translates to "Hungary, we piss on it", and recalls that the FARE observer present at match 1 presented video and audio evidence of the incident, in which the chants were clearly audible.
26. The CEDB acknowledges that apart from the chants which occurred approximately 15 minutes prior to kick-off, the chants witnessed throughout and during the match were not directly observed by the UEFA match delegate or any other UEFA officials present at match 1, who only referred to the report of the FARE observer present in the stadium during match, who ultimately reported the alleged incidents of racism. In this regard, the CEDB equally recalls that reports provided by FARE are not official reports in the sense
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of Article 45 DR and the facts stipulated in such reports do not carry the presumption of accuracy.

27. The CEDB notes that the association did not only not provide any evidence which would indicate the potential inaccuracy of the facts mentioned in the report provided by FARE in match 1, but rather admitted the occurrence of the incidents. Therefore, in light of the above, and upon careful review of the video materials submitted by FARE regarding the above-mentioned chants, the CEDB is comfortably satisfied that the contents of said report is in fact correct and that the supporters of the association sang the racist chants, as reported, during match 1.
  28. With regards to match 2, the CEDB notes that the official report of the UEFA match delegate stated that discriminatory chants were made by around 400-500 of the association's supporters during match 2, from ultras Sectors 300-304, as well as around 100 supporters in Sector 101. Furthermore, the UEFA match delegate reported that while the chants were brief, on one occasion, the stadium announcer asked the association's supporters to stop such chanting and even warned them that if they continued, the association may be penalised and forced to play its next match behind closed doors.
  29. Additionally, the CEDB notes that the UEFA match delegate reported that the stadium announcement provoked the ultras supporters to commit further chants, while the rest of the association's supporters "booed" them for their behaviour. Furthermore, the UEFA match delegate noted that the discriminatory chants occurred around the 17<sup>th</sup>, 19<sup>th</sup>, 47<sup>th</sup> and 75<sup>th</sup> minutes of the match respectively.
  30. In this regard, the CEDB recalls the report of the FARE observer present at match 2, in support of the official report of the UEFA match delegate, confirmed that in approximately the 18<sup>th</sup> minute of match 2 at 19:18, several hundred of the association's supporters in Sectors 302-304 and Sector 104 chanted several discriminatory anti-Hungarian chants, including "*Ungaria, ne pișăm pe ea*", "*Ungaria, ne suge pula*" and "*Suntem români și ne vom apăra, pământul, țara și istoria, ale ale, ale ale, să-ți dăm la muie bozgore*", which translate to "*Hungary, we piss on it*", "*Hungary sucks our dick*" and "*[w]e are Romanians and we shall defend our land, our country and our history, ale ale, ale ale, fuck you bozgore*" respectively. Furthermore, the CEDB recalls that the FARE observer present at match 2 presented video and audio evidence of the incident that occurred during the 18<sup>th</sup> minute, in which the numerous chants were clearly audible.
  31. In addition, the CEDB notes that the FARE observer reiterated and confirmed the report of the UEFA match delegate regarding the stadium announcement, the further chanting of the ultras supporters and the subsequent "booing" from some of the association's other supporters in an attempt to silence them. Additionally, the FARE observer reported that the first and second chants reoccurred, on three other occasions: (i) right after Romania's goal in the 47<sup>th</sup> minute, (ii) around the 75<sup>th</sup> minute, as well as (iii) right after the final whistle. The CEDB recalls that due to the short duration of these chants, the FARE observer was unable to produce a video recording of the incidents.
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32. Accordingly, upon careful review of the video and audio materials submitted by FARE, the CEDB concurs with the conclusions and interpretation given to the chants by FARE and is therefore comfortably satisfied that the violations of Article 14 DR did in fact occur as reported. Furthermore, the CEDB notes that the association did not deny the occurrence of such incidents in its statement, nor did it challenge the way in which the incidents were reported by the UEFA match delegate and FARE in match 2.
  33. Given the circumstances of the present case, the CEDB deems that such racist symbols being pre-painted on to permanent fixtures around and within the stadium by people unknown to the association cannot fall within the scope and *ratio legis* of the strict liability principle provided for in Articles 8 and 14(1) DR, particularly given that there is no imperative connection between the Celtic cross' and the association's supporters. Therefore, the CEDB decides that the association has not breached of Article 14(1) DR in this regard.
  34. Therefore, taking the above into account, the CEDB subsequently analyses the content of the relevant chants made by the association's supporters and agrees with the interpretation given to such chants by the respective UEFA match delegates and FARE observers present at both matches 1 and 2.
  35. Regarding the chants that were sung by the association's supporters during match 1 at various stages, i.e. "[o]ut with the Hungarians from the country", "Hungary sucks our dick", "Hungary, we piss on it" and "[w]e are Romanians and we shall defend our land, our country and our history, ale ale, ale ale, fuck you bozgor", the CEDB believes that such chants, in the context that the association's supporters used them, were obvious discriminatory slurs against Hungarians with derogatory connotations, which in and of itself constitutes a violation of Article 14(1) DR. Equally, the CEDB notes that the association's supporters used the term "Bozgor" as a direct insult and ethnic slur, i.e. with a hostile, negative and prejudiced connotation, which also fulfils the requirements of the above-mentioned provision.
  36. Regarding the chants that were sung by the association's supporters during match 2 at various stages, most notably at the 18<sup>th</sup> minute of the match, i.e. "Hungary, we piss on it", "Hungary sucks our dick" and "[w]e are Romanians and we shall defend our land, our country and our history, ale ale, ale ale, fuck you bozgor", the CEDB believes that such chants, in the context that the association's supporters used them, were again obvious discriminatory slurs against Hungarians with derogatory connotations, which in and of itself constitutes a violation of Article 14(1) DR. Equally, the CEDB notes that the association's supporters again used the term "Bozgor" as a direct insult and ethnic slur, i.e. with a hostile, negative and prejudiced connotation, which also fulfils the requirements of the above-mentioned provision.
  37. Furthermore, the CEDB recalls that, pursuant to the respective reports of the FARE observers present at matches 1 and 2, Romania has a significant Hungarian ethnic minority living in Transylvania, which was, for a long time, part of Hungary. These chants are xenophobic and discriminatory, specifically calling for the removal of the Hungarian ethnic minorities from Romania and inciting violence against them. Additionally, the
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CEDB recalls that such chanting has been persistent by sections of Romania national team supporters in past matches, regardless of the opponent.

38. The CEDB recalls that such chants have been scrutinised by the UEFA disciplinary bodies in multiple decisions (as published on the UEFA website) and the clubs and associations whose supporters made such chants have been consistently punished in accordance with Articles 14(2) and (3) DR for such chants. With this being established, the CEDB emphasises that such behaviour is not acceptable in football stadiums and fulfils the requirements stipulated in Article 14(1) DR.
  39. The CEDB deems appropriate in the present case to emphasise that, although the chants made by the association's supporters are indeed racist, they were not grossly racist and were borderline, and somewhat arguably, political in nature. The CEDB is in no way condoning the use of such chants at UEFA competition matches, but in the present case, accepts the highly political history and volatile circumstances that surround the relationship between Romania and Hungary and, indeed, acknowledges the intricate overlap between political and racist messages in this regard.
  40. Importantly, it ought to be noted that the association highlights its commitment to eradicating racist behaviour and in this regard, the CEDB encourages the association to continue such efforts in taking a proactive stand against discrimination.
  41. Therefore, with the violations of Article 14 DR by the association's supporters being established, the CEDB stresses that evidently, such behaviour was displayed on the occasion of both matches by the association's supporters, which represents an obvious and serious breach of Article 14 DR. The CEDB strongly condemns such racist behaviour and is, indeed, regretful that such incidents still occur.
  42. The CEDB stresses that racist chanting has numerous consequences; in this regard, racist behaviour is offensive, abusive and harms the dignity of the individuals that are subjected to it. It can affect players' and fans' mental health, together with their sense of well-being and belonging. Furthermore, it creates an uncomfortable experience for other supporters and attendees at the match who behave appropriately. Such racist behaviour has the potential to provide a team with a sporting advantage if the performance of the victims of abuse suffers as a result.
  43. Finally, the CEDB regretfully notes the significant negative impact that racist behaviour has on the integrity and image of football, the public's perception of the game as a whole and the UEFA competitions in particular. Accordingly, the CEDB concludes that the numerous racist chants made throughout both matches by the association's supporters were a clear and undisputed violation Article 14(1) DR.
  44. In light of the foregoing, by applying the principle of strict liability, the CEDB concludes that the association must be punished accordingly for the racist behaviour of its supporters.
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D. The responsibility of the association for setting off and throwing of fireworks

45. With regards to match 1, according to the official reports of the referee and UEFA match delegate, several blinkers and red torches were lit in the sector in which the association's supporters were sitting, most notably, behind the goal of the south end of the stadium. Furthermore, the referee reported that some blinkers and red torches were partially on the field of play, causing a two-minute delay to the start of the match. In addition, both the referee and UEFA match delegate reported that three fire crackers were lit in the same location shortly thereafter, and the UEFA match delegate further reported that numerous firecrackers were lit during the 50<sup>th</sup> and 60<sup>th</sup> minutes of the match from Sectors 104 to 110 in the South Stand where the association's supporters were seated. In this regard, the CEDB recalls the photographic evidence provided by the UEFA match delegate in which the setting off and throwing of fireworks is clearly visible.
46. With regards to match 2, according to the official report of the UEFA match delegate, the association's supporters threw several bangers from Sector 101 on to the pitch, which subsequently landed next to Malta's goalkeeper. Despite the fact that there is no photographic evidence of the bangers being thrown due to the inherently instant nature in which such a pyrotechnic device is thrown and explodes, the CEDB recalls that facts contained in official reports are presumed to be accurate pursuant to Article 45 DR.
47. The CEDB considers that setting off fireworks and throwing them is a very serious offence not only because it can disrupt the orderly running of the match but also, and more importantly, it can endanger the physical integrity of other spectators, officials, the players on the pitch and the perpetrator(s). For this reason, the use of pyrotechnic devices in stadiums, as well as the throwing of such devices, is strictly forbidden.
48. In these particular cases, the CEDB considers that it was extremely serious and dangerous that pyrotechnics were lit and thrown on to the pitch by the association's supporters. With particular respect to match 1, the CEDB recalls the extremely close proximity in which the lit pyrotechnics landed to the pitch and goal, which poses an obvious risk with potentially disastrous consequences if it were to hit a player, official or spectator. Said incident also resulted in a delay to the start of the match, which further emphasises the severity of such incident.
49. Finally, with respect to match 2, the CEDB considers that the banger thrown could have seriously injured the away team's goalkeeper if it were to have hit him. Such incidents are completely intolerable and have no place or acceptance in society in general, but particularly not at a UEFA competition match such as the EURO 2020 qualifying match, one of UEFA's flagship competitions, as has been regularly confirmed by the established jurisprudence of the UEFA disciplinary bodies (as published on the UEFA website). No person attending a UEFA competition match, be it as a spectator, steward, official, referee or player, should have to risk injury, nor their health and safety, by attending a football match.
50. The association in its written statements has not provided any evidence which would put in doubt the presumed accuracy of the facts stipulated in the official reports (cf. Article
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45 DR). Consequently, given that the occurrence of setting off fireworks and throwing of objects has been established by the official reports, the association shall be held responsible for the violation of Article 16(2)(b) and (c) DR and must be punished accordingly.

E. The responsibility of the association for field invasions by the association's supporters

51. As a preliminary remark, the CEDB notes that the field invasions by the association's supporters occurred during match 2.
52. According to the official reports of the referee and UEFA match delegate, in the 61<sup>st</sup> minute of the match, two spectators ran on to the field of play before being captured by stewards and removed from the pitch. Furthermore, the UEFA match delegate reported that said spectators were "Romanian supporters", while the referee noted that due to said field invasions, the match was interrupted by around one minute.
53. In general terms, due to the potential risk of injury, as nobody is aware of the real intentions of the intruders at the time of the incident, as well as the possible disturbances that may be attached to such conduct, invasions of the field of play are strictly forbidden.
54. The CEDB takes into account that the association did not dispute the field invasions and submitted that each supporter received a fine and one-year stadium ban. Consequently, given that the occurrence of the invasions of the field of play has been clearly established by the official reports of the referee and UEFA match delegate, and remained undisputed by the association, the association shall be held responsible for the violation of Article 16(2)(a) DR and must be punished accordingly.

#### **IV. The determination of the appropriate disciplinary measures**

55. According to Article 23 DR, the CEDB determines the type and extent of the disciplinary measures to impose in accordance with the objective and subjective elements of the case, taking account of any aggravating and mitigating circumstances.
  56. In the case in hand, the CEDB appreciates that there is a multiplicity of offences for which the association is responsible for in two separate matches, being the racist behaviour of its supporters and the setting off and throwing of fireworks. In this regard, the CEDB decides to impose one combined sanction for the racist behaviour of the association's supporters and the setting off and throwing of fireworks that occurred in both matches.
  57. Regarding the field invasions by the association's supporters, the CEDB takes into account the seriousness of the offence committed, recalling that two spectators ran on to the field of play during the 61<sup>st</sup> minute of the match. Equally, the CEDB acknowledges that the association has already one previous record pertaining to invasions of the field of play within the last two years (cf. Article 25(1)(c) DR), which counts as an aggravating circumstance (Article 25(2) DR). Furthermore, the CEDB notes that Article 6(5) DR and its Annex A(I) provides a standard sanction for said violation, which amounts to a fine of
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€8,000 for such infringement. Accordingly, the CEDB decides to apply the standard sanction contemplated in Annex A(I) and fine the association €8,000 for the invasions of the field of play by its supporters.

58. Regarding the racist behaviour of the association's supporters, the CEDB takes into account the seriousness of the offence committed as well as the association's previous record, noting that the association has already been punished on two previous occasions for the racist behaviour of its supporters during the last three years, which, in accordance with Article 25(1)(d) and (2) DR, counts as an aggravating circumstance.
59. The CEDB recalls that UEFA has a strict approach towards racism and discrimination at football matches. The CEDB in this regard emphasises that racist chants such as the ones made by the associations' supporters have no place in football and cannot be tolerated in football stadiums, particularly at UEFA competition matches.
60. On the basis of Article 14(2) DR as well as Articles 23(1) and 23(3) DR, the CEDB notes that some mitigating circumstances were presented by the association or otherwise identified by the CEDB, which would speak in favour of a reduced sanction, despite the fact that the present case represents the third offence of the association.
61. In this regard, the CEDB recalls the detailed statements provided by the association in both disciplinary proceedings and in summary, notes the following mitigating circumstances that exist in the present case:
- the strong collaboration and preparation with security companies, public authorities, local police and gendarmerie and special forces prior to both matches 1 and 2;
  - the "Action Plan" outlining all security measures to be undertaken, which was approved by the competent Directorate of the Gendarmerie;
  - the implementation of the online ticketing system allowing supporters to buy a maximum of four personalised tickets in an attempt to identify any perpetrators of unacceptable behaviour;
  - the positive measures the association has undertaken to change the demographic of its supporter base, in favour of families and children, and at the expense of ultra-supporters;
  - the fact that Romanian national law does not permit the removal or eviction of supporters from a stadium on the basis of illicit chants;
  - the fact that the chants were not grossly racist, and instead, arguably also/at the same time, political in nature;
  - the immediate reaction of the association by way of the announcements made encouraging the association's supporters to refrain from such illicit chanting, as well as the message displayed on the giant screen to the same effect; and
  - the association's condemnation of such racist, xenophobic or discriminatory behaviour, which was evidenced by its actions outlined above.
62. Regarding the setting off and throwing of fireworks, the CEDB takes into account the seriousness of the offences committed together with the association's previous records,
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noting as an aggravating circumstance that the association has been sanctioned for setting off fireworks on six previous occasions, and for the throwing of objects on two previous occasions, in the last two years respectively (cf. Article 25(1)(c) and (2) DR).

63. Besides the obvious dangerous nature of such incidents, the CEDB finds the circumstances of the incident regarding the close proximity in which the pyrotechnics landed to the pitch as extremely serious. The respective incidents provoked a delayed start to match 1 and posed a serious threat to the physical integrity of the away team's goalkeeper in match 2. Actions and incidents of such a dangerous nature not only show an obvious lack of discipline from the association's supporters but can also be described as a severe act of hooliganism. The CEDB notes that such incidents require the strictest application of the DR, as such behaviour will not be tolerated at UEFA competition matches.
  64. With regard to the racist behaviour by the association's supporters, the CEDB is acutely aware that the established jurisprudence of the UEFA disciplinary bodies ordinarily does not consider the above-mentioned factors as mitigating circumstances in standard disciplinary proceedings pursuant to the DR. However, in view of the strong commitment of the association aimed at eradicating racist behaviour in the stadium during its UEFA competition matches, the CEDB is willing to give a last and final chance to the association and its supporters.
  65. In view of the above-mentioned specific circumstances of this case, the CEDB deems it appropriate to order the association to play its next two (2) UEFA competition matches as host association behind closed doors and to fine the association €75,000, for the racist conduct of its supporters and for the setting off and throwing of fireworks. However, in order to give the supporters of the association an incentive to change their behaviour and to refrain from such discriminatory behaviour in the future, in application of Article 26(1) and (2) DR, the CEDB decides that the second match to be played behind closed doors is suspended for a probationary period of one (1) year.
  66. Finally, with regard to the suspended second match to be played behind closed doors, the CEDB refers to Article 26(1) DR, which explicitly gives UEFA's disciplinary bodies the option to suspend disciplinary measures. Article 26(3) DR further establishes that "*[i]f a further offence of a similar nature is committed during the probationary period, the competent disciplinary body, as a rule, orders that the original disciplinary measure be enforced.*" In this regard, the CEDB would emphasise that, clearly, not every future violation of the DR committed by an association's supporters would suffice to lift the probationary period and activate the playing of the suspended match as host association behind closed doors. The aforementioned Article 26(3) DR clearly states that offences potentially leading to the enforcement of a suspended sanction need to be of a similar nature, *i.e.* of a similar and comparable severity, gravity and intensity. In this sense, reference is made to Article 23(1) DR, which gives UEFA's disciplinary bodies broad discretion regarding the determination of the appropriate and adequate sanction. It is therefore up to a future panel, and not for this present CEDB panel, to decide whether future violations of the DR can be considered as being of "*a similar nature*", as has been confirmed by CAS jurisprudence (cf. *CAS 2013/A/3139 Fenerbahçe SK v. UEFA*, para. 130).
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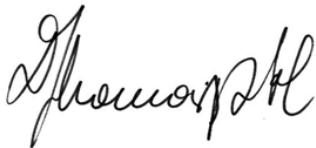
67. With this being established, the CEDB in the strongest possible way urges the association to further deal with the apparent problem it has with its supporters and to ensure that no incidents of a similar nature will occur in the future, particularly during UEFA competition matches.
  
  68. Finally, the CEDB stresses that despite the mitigating circumstances and reduced sanction in the present case, the sanction in and of itself is extremely lenient when considering the seriousness and multiplicity of the offences committed, as well as the previous records for such offences, particularly given the fact that such behaviour occurred in two separate matches. In this regard, the CEDB urges the association to pay particular attention to the suspended second match and associated probationary period and the likely consequences that will stem from a further breach of Article 14 DR.
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69. Consequently, the CEDB

## **decides**

1. **To combine the disciplinary cases 32977 and 32992 and issue one comprehensive decision in accordance with Article 41(6) of the UEFA Disciplinary Regulations.**
2. **To order the Romanian Football Federation to play its next two (2) UEFA competition matches as host association behind closed doors, the second of which being suspended for a probationary period of one (1) year, for the racist behaviour of its supporters, for setting off fireworks and for the throwing of objects.**
3. **To fine the Romanian Football Federation €75,000 for the racist behaviour of its supporters, for setting off fireworks and for the throwing of objects.**
4. **To fine the Romanian Football Federation €8,000 for field invasions by its supporters.**
5. **The above fines in the total amount of €83,000 must be paid into the bank account indicated below within 90 days of communication of this decision.**

Thomas Partl  
Chairman



**Bank details**  
Union Bank of Switzerland  
CH-3001  
Acc. n° 235-90 186'444.6  
Bank code 235  
Swift: UBS WCH ZH 80A  
IBAN CH30 00235235901864446

*Detail address of UBS AG (Union Bank of Switzerland) – CH – 3001 BERNE  
VAT Number in Switzerland : CHE-116.317.087  
Fiscal number in Switzerland / canton de Vaud : 21 652*

### Advice as to rights of appeal

**This decision is open to appeal (Article 60 DR).**

**A declaration of the intention to appeal against a decision by the Control, Ethics and Disciplinary Body must be lodged with the UEFA administration, in writing, for the attention of the Appeals Body, within three days of notification of the relevant decision with grounds (Article 60 (2) DR).**

**Within five days of the expiry of the time limit for the declaration of the intention to appeal, the appellant must file, in writing, the grounds for appeal, which must contain a legal request, an account of the facts, evidence, a list of the witnesses proposed (with a brief summary of their expected testimony) and the appellant's conclusions (in particular on whether to conduct the appeal proceedings orally or in writing) (Article 60 (3) DR).**

**The appeal fee is €1,000, payable on submission of the grounds for appeal at the latest (Article 60 (4) DR).**

### Publication notice

**Decisions of the UEFA disciplinary bodies are published on the UEFA website in accordance with Article 52(5) DR. A request to publish an anonymised version of the decision shall be submitted to the UEFA administration within seven days of notification of the decision with grounds.**